



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 11 2008

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Paul Wester
Director, Modern Records Program
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740-6001

Dear Mr. Wester:

I am writing to inform you of a possible unauthorized destruction of computer files maintained by the U.S. Environmental Protection Agency (EPA or Agency) that may have contained e-mail records that had not yet been captured in a recordkeeping system in accordance with EPA and National Archives and Records Administration requirements. Specifically, the Agency did not adequately maintain limited-access e-mail accounts used by former Administrators, and it cannot be determined with certainty that all record material had been printed and filed prior to the destruction of the electronic data. The Agency has also discovered an instance of improper use of a non-EPA e-mail account for official business by a former Acting Administrator. This notification is being made in accordance with 36 CFR, Subpart G, Section 1228.104.

Background – Administrators' E-Mail Accounts

The Agency has always welcomed public comment via any mechanism, including electronic mail, and it has not restricted access by requiring the use of html forms or similar comment-gathering mechanisms as have some federal agencies. This open comment policy, however, has one practical drawback: most members of the public address their e-mails to the Administrator, which means the Administrator receives hundreds of thousands of incoming e-mails to his or her account each year. Clearly, it would be impossible for the Administrator to use such a high-volume account for regular communication with staff or, as permitted under the Agency's de minimis use policy, occasional communication with family or friends.

In recognition of this problem, in the 1990's, the Agency's Office of Environmental Information (OEI) (and its predecessor organization) assigned Administrators and Acting Administrators two e-mail accounts. The primary account uses the Agency's standard naming convention (*lastname.firstname@epa.gov*). The address for the secondary account generally uses a standard prefix (the word "to") with a name or word supplied by the Administrator or Acting Administrator. Each Administrator or Acting Administrator has been assigned his or her

own secondary account, and the accounts are not associated with each other. The secondary e-mail accounts are configured so the account holder's name appears in the "sent by" field.

OEI is responsible for creating the primary and secondary accounts and for maintaining the Agency's e-mail servers and other infrastructure. Information technology (IT) staff members (i.e., Agency contractors) in the Office of the Administrator are responsible for setting up the accounts on users' computers (i.e., installing the .id files and linking to the e-mail server).

This dual-account structure was first implemented during former Administrator Carol Browner's tenure (January 22, 1993 - January 19, 2001), and it has been used by every Administrator or long-term Acting Administrator since that time.

Account Management and Access

Access to the secondary e-mail accounts is extremely limited. Ordinarily, only the Administrator or Acting Administrator, one executive assistant, and the OEI Lotus Notes server administrator(s) are granted permission to access the accounts. Few EPA staff members, usually only high-level senior staff, even know that these accounts exist. Therefore, responsibility for identifying, printing, and submitting records for filing in accordance with EPA records schedules falls to the Administrator or Acting Administrator, and, if directed by the Administrator or Acting Administrator, to the executive assistant. Each incoming Administrator is briefed on his or her records management responsibilities by the EPA Records Officer and a representative from the Office of General Counsel.

Discovery of the Unauthorized Data Destruction

In early August 2007, Administrator Johnson's executive assistant was searching his secondary e-mail account for records responsive to a Congressional request for information. The assistant discovered that e-mail messages older than 90 days were no longer present in the account (all of which had already been reviewed and, if determined to be record material, had been printed and filed). The assistant alerted the appropriate IT staff immediately.

The IT staff determined that a system setting had been inadvertently activated that automatically deletes e-mails that have not been modified during the previous 90 days. Staff was unable to determine the cause of the setting change, but neither the Administrator nor his assistant made the change. The auto-delete setting was immediately deactivated to comply with the Chief Information Officer's March 2006 requirement to suspend automatic e-mail deletion indefinitely. On September 15, 2007, OEI ran an Agency-wide compliance check to determine if other users had been affected. Since that time, OEI has run monthly compliance checks and follows up with any offices where users have turned the feature on or where a computer error has resulted in the feature being activated.

The review of Administrator Johnson's secondary e-mail account prompted an inquiry into the status of accounts that had not been in recent use, i.e., the secondary accounts of former Administrators. An investigation was begun by the Administrator's Office (AO) staff in cooperation with OEI staff. AO and OEI staff discovered that the secondary accounts for former

Administrators Carol Browner (January 22, 1993 - January 19, 2001), Christine Todd Whitman (January 31, 2001 - June 27, 2003), and Michael O. Leavitt (November 6, 2003 - January 25, 2005), are no longer being maintained, but the secondary account for former Acting Administrator Marianne Horinko (July 12, 2003 - November 5, 2003) is still being maintained.

Agency Response and Recovery Efforts

The Agency has taken steps to reconstruct the secondary e-mail accounts of former Administrators and Acting Administrators. The Agency's recovery efforts began with a thorough search of archive servers to determine if copies of the Administrators' accounts had been saved. No such copies were found.

EPA's Office of Executive Services oversaw a search of every electronic mailbox and archive database on every server throughout the Agency for any extant copies of e-mails sent to or from the secondary e-mail accounts. The search covered 82 servers, over 35,000 databases, and more than 255 million e-mail messages. It was conducted with the assistance of server administrators in headquarters, the regions, and EPA laboratories. A total of 6,647 individual e-mail messages were sent from or to the secondary accounts Administrator Johnson (5,974) and former Administrator Leavitt (673). Of these, 433 were sent from Administrator Johnson's secondary account and 66 were sent from former Administrator Leavitt's secondary account.

Of the 433 recovered sent messages, five were determined by the Office of the Executive Secretariat to be records from former Administrator Leavitt's secondary account. In an abundance of caution, four additional e-mails from Administrator Johnson's secondary e-mail account were printed and filed.

Assessment of Potential Loss

Precise assessment of the completeness of the Agency's records with regard to the secondary e-mail accounts is impossible, given the loss of data, limited account access, and turnover of personnel. Compounding the assessment problem is a lack of information on former Administrators' use of their secondary accounts.

One certain aspect is that the recovery protocol could not capture two categories of e-mails: (1) e-mails from a non-EPA account addressed to the secondary e-mail accounts (and without a cc or bcc to another EPA employee); and e-mails sent from any of the secondary accounts to a non-EPA e-mail account (and without a cc or bcc to another EPA employee).

The following represents the Agency's best approximation of the extent and impact of the loss of e-mails from the secondary accounts, if any, for each Administrator and Acting Administrator:

- Carol Browner – *No Loss* – Former Administrator Browner reportedly did not use her secondary e-mail account, therefore there was no loss of e-mail records.

- Christine Todd Whitman – *No Loss* – Former Administrator Whitman never used her secondary account to conduct Agency business, therefore there was no loss of e-mail records.
- Marianne Horinko – *No Loss* – Former Acting Administrator Horinko’s secondary account exists and is complete. Therefore, there was no loss of e-mail records.
- Michael O. Leavitt – *Minimal Loss (Possible)* – It is unclear the extent to which former Administrator used his secondary EPA e-mail account. However, the retrieval efforts identified 56 e-mail messages sent from the secondary account; of those, five have been identified as records and printed and filed.
- Stephen L. Johnson – *No Loss* – Administrator Johnson’s secondary e-mail account has been consistently reviewed for record material, and records have been printed and filed in accordance with applicable schedules.

Safeguards Against Future Losses

The Agency recognizes the seriousness of this issue and is committed to ensuring that it does not occur again. The Office of Environmental Information’s monthly review of e-mail account settings mitigates the risk of further losses due to Lotus Notes auto-delete functionality. Continuing records management briefings and training ensure that each Administrator and their staff are aware of their records management responsibilities. The current Administrator’s practices serve as a model for future Administrators and their staff. And, finally, implementation of new technology, like the Enterprise Content Management System, helps streamline records capture, which should ensure greater future compliance.

Improper Use of Non-EPA E-Mail Account

During its review of former Administrators’ secondary e-mail accounts, EPA staff discovered one instance of the improper use of a non-EPA e-mail account for what seems to be official business. Former Acting Administrator Marianne Horinko, on July 20, 2003, responded to an e-mail from a contractor in which he states that he “need[s] to fill [Acting Administrator Horinko] in more” about issues relating to the World Trade Center. The Acting Administrator replied, from her secondary e-mail account, to “remember home email (sic) address...All of this email (sic) is official.”

I should note that this is the sole example of such an infraction among thousands of secondary account e-mails (including more than 1,300 from Acting Administrator Horinko) that were reviewed. The fact that only one example was found, however, in no way excuses the infraction, particularly since it was the Acting Agency head who gave the instruction to use the non-EPA account.

In accordance with recommendations in the Government Accountability Office’s report on federal e-mail records management practices, EPA will soon issue an explicit policy statement that clearly prohibits the use of non-EPA e-mail accounts and non-EPA instant messaging applications in the conduct of official business unless extenuating circumstances warrant such use (e.g., failure of EPA e-mail servers). The policy statement will be clear that if non-EPA e-mail resources are used, the Agency’s records management requirements still apply.

This information will be incorporated in mandatory Agency record management trainings and in briefings to EPA senior officials and their staffs. The Agency is confident that clear policies, training and continuing education and attention to these and other records management matters are our most effective strategies.

If you have any questions about this notice or require additional information, please contact me at (202) 566-1643 or at ellis.john@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "John B. Ellis for". The signature is written in a cursive, flowing style.

John B. Ellis
Agency Records Officer

cc: Laurence Brewer, Director, NARA Lifecycle Management Division
Byron Brown, EPA Office of General Counsel

From: [Deborah Williams](#)
To: paul.wester@nara.gov
Cc: [sara hisel-mccoy](#); [Andrew Battin](#); [Robert Gunter](#); [John Ellis](#); [Ray Spears](#); [Brian Hope](#); [Allison Starmann](#)
Subject: Possible Unauthorized Destruction of Agency Records
Date: 04/11/2008 05:45 PM
Attachments: [Report of Possible Unauthorized Destruction of Agency Records.pdf](#)

Dear Mr. Wester,

The following report regarding the possible unauthorized destruction of Agency records is forwarded on behalf of John Ellis, Agency Records Officer. Please let me know if you have any questions regarding this matter.



Report of Possible Unauthorized Destruction of Agency Records.pdf

Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov

From: [Allison Starmann](#)
To: [Brian Hope](#)
Cc: [Deborah Williams](#); [John Ellis](#); [Robert Gunter](#); [Sara Hisel-McCoy](#)
Subject: Re: Review of letter to NARA
Date: 04/11/2008 03:45 PM

Ok, I would just clarify in that sentence that we're talking secondary accounts only.

Allison Wisk Starmann
U.S. Environmental Protection Agency
Office of General Counsel
Voice: (202) 564-1375
Starmann.Allison@epa.gov

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▼ [Brian Hope/DC/USEPA/US](#)

**Brian
Hope/DC/USEPA/US**

04/11/2008 03:36 PM

To Allison Starmann/DC/USEPA/US@EPA, Deborah Williams/DC/USEPA/US@EPA

cc John Ellis/DC/USEPA/US@EPA, Robert Gunter/DC/USEPA/US@EPA, Sara Hisel-McCoy/DC/USEPA/US@EPA

Subject Re: Review of letter to NARA 

The 6647 number refers to the secondary accounts only. I am okay with the other edits assuming we want to maintain the Johnson info.
Brian T. Hope

Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903

▼ [Allison Starmann](#)

----- Original Message -----

From: Allison Starmann
Sent: 04/11/2008 03:23 PM EDT
To: Deborah Williams
Cc: Brian Hope; John Ellis; Robert Gunter; Sara Hisel-McCoy
Subject: Re: Review of letter to NARA

Here are my thoughts.

(b) (5)



(b) (5)

Allison Wisk Starmann
U.S. Environmental Protection Agency
Office of General Counsel
Voice: (202) 564-1375
Starmann.Allison@epa.gov

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▼ Deborah Williams/DC/USEPA/US

**Deborah
Williams/DC/USEPA/US**

04/10/2008 06:23 PM

To Allison Starmann/DC/USEPA/US@EPA
cc John Ellis, sara hisel-mccoy, Robert
Gunter/DC/USEPA/US@EPA, Brian
Hope/DC/USEPA/US@EPA
Subject Review of letter to NARA

Hi Allison,

I am/will be forwarding a few documents for OGC's review per instructions from Byron regarding the letter to NARA and instructions from Sara Ager, EPA GAO Liaison, regarding any documents to be sent to GAO in response to their audit of

EPA's management of e-mail records.

NARA Letter

Please let me know if you have any questions or concerns with its content. .
[attachment "unauthorized destruction letter to NARA.doc" deleted by
Brian Hope/DC/USEPA/US]

(I will forward the GAO-related documents in the morning.)

Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov

From: [Allison Starmann](#)
To: [Deborah Williams](#)
Cc: [Brian Hope](#); [John Ellis](#); [Robert Gunter](#); [Sara Hisel-McCoy](#)
Subject: Re: Review of letter to NARA
Date: 04/11/2008 03:23 PM
Attachments: [unauthorized destruction letter to NARA.doc](#)

Here are my thoughts.

(b) (5)

[Redacted]

[Redacted]

[Redacted]

Allison Wisk Starmann
U.S. Environmental Protection Agency
Office of General Counsel
Voice: (202) 564-1375
Starmann.Allison@epa.gov

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▼ [Deborah Williams/DC/USEPA/US](#)

**Deborah
Williams/DC/USEPA/US**

04/10/2008 06:23 PM

To Allison Starmann/DC/USEPA/US@EPA
cc John Ellis, sara hisel-mccoy, Robert
Gunter/DC/USEPA/US@EPA, Brian
Hope/DC/USEPA/US@EPA
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[- unauthorized destruction letter to NARA.doc](#)

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Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov

From: [Brian Hope](#)
To: [Deborah Williams](#)
Cc: [Robert Gunter](#); [John Ellis](#); [Sara Hisel-McCoy](#); [Ray Spears](#); [Allison Starmann](#)
Subject: Re: Review of letter to NARA
Date: 04/11/2008 10:54 AM

Thanks, Deborah. I did discuss this point with Byron.

(b) (5)

- Brian
Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903
▼ [Deborah Williams](#)
----- Original Message -----

From: Deborah Williams
Sent: 04/11/2008 09:52 AM EDT
To: Brian Hope
Cc: Robert Gunter; John Ellis; Sara Hisel-McCoy; Ray Spears; Allison Starmann
Subject: Fw: Review of letter to NARA

Brain,
See OGC's inquiry below.


Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov

----- Forwarded by Deborah Williams/DC/USEPA/US on 04/11/2008 09:51 AM -----

**Allison
Starmann/DC/USEPA/US**

To: Deborah Williams/DC/USEPA/US@EPA
cc:

04/11/2008 09:44 AM

Subject: Re: Review of letter to NARA 

(b) (5)

Allison Wisk Starmann
U.S. Environmental Protection Agency
Office of General Counsel
Voice: (202) 564-1375
Starmann.Allison@epa.gov

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▼ Deborah Williams/DC/USEPA/US

**Deborah
Williams/DC/USEPA/US**

04/10/2008 06:23 PM

To Allison Starmann/DC/USEPA/US@EPA
cc John Ellis, sara hisel-mccoy, Robert
Gunter/DC/USEPA/US@EPA, Brian
Hope/DC/USEPA/US@EPA
Subject Review of letter to NARA

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[attachment "unauthorized destruction letter to NARA.doc" deleted by Brian Hope/DC/USEPA/US]

(I will forward the GAO-related documents in the morning.)

Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov

From: [Deborah Williams](#)
To: [John Ellis](#)
Subject: Re: Fw: Addendum
Date: 04/11/2008 09:54 AM
Attachments: [NARA Addendum.doc](#)

No problem.

I incorporated language from Ray's message in the version I sent last evening.

Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov

▼ [John Ellis/DC/USEPA/US](#)

**John
Ellis/DC/USEPA/US** To "Deborah Williams" <deborah.williams@epa.gov>
cc
04/10/2008 07:25 PM Subject Fw: Addendum

Here are Ray Spears' 5 o'clock changes to the letter. Sorry I didn't notice them before now.

Sent by EPA Wireless E-Mail Services

▼ [Ray Spears](#)

----- Original Message -----

From: Ray Spears
Sent: 04/10/2008 05:01 PM EDT
To: Brian Hope
Cc: Allison Starmann; John Ellis; Sara Hisel-McCoy
Subject: Re: Addendum

I agree with the revisions.

Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX


▼ [Brian Hope/DC/USEPA/US](#)

Brian

Hope/DC/USEPA/US

04/10/2008 04:57 PM

To Allison Starmann/DC/USEPA/US@EPA
cc John Ellis/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA, Sara Hisel-
McCoy/DC/USEPA/US@EPA

Subject Re: Addendum 

(b) (5)




Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903
▼ [Allison Starmann/DC/USEPA/US](#)

**Allison
Starmann/DC/USEPA/US**

04/10/2008 03:11 PM

To Brian Hope/DC/USEPA/US@EPA
cc John Ellis/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA, Sara Hisel-
McCoy/DC/USEPA/US@EPA

Subject Re: Addendum 

Have we considered what employees ought to do in the event they need to conduct Agency business via e-mail and don't have access to Agency e-mail, which could be possible in a variety of circumstances?

Allison Wisk Starmann

U.S. Environmental Protection Agency
Office of General Counsel
Voice: (202) 564-1375
Starmann.Allison@epa.gov

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▼ Brian Hope/DC/USEPA/US

**Brian
Hope/DC/USEPA/US**

04/10/2008 08:45 AM

To John Ellis/DC/USEPA/US@EPA, Sara Hisel-McCoy/DC/USEPA/US@EPA, Allison Starmann/DC/USEPA/US@EPA, Ray Spears/DC/USEPA/US@EPA

cc

Subject Addendum

All -

(b) (5)

Please let me know what you think and if you have any questions. Thanks.

- Brian



NARA Addendum.doc

Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903

From: [Deborah Williams](#)
To: [Allison Starmann](#)
Cc: [John Ellis](#); [sara hisel-mccoy](#); [Robert Gunter](#); [Brian Hope](#)
Subject: Review of letter to NARA
Date: 04/10/2008 06:23 PM
Importance: High
Attachments: [unauthorized destruction letter to NARA.doc](#)

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williams.deborah@epa.gov

From: [Deborah Williams](#)
To: [John Ellis](#)
Subject: unauthorized destruction letter to NARA
Date: 04/10/2008 05:14 PM
Attachments: [unauthorized destruction letter to NARA.doc](#)

Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
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(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov



[- unauthorized destruction letter to NARA.doc](#)


From: [Ray Spears](#)
To: [Brian Hope](#)
Cc: [Allison Starmann](#); [John Ellis](#); [Sara Hisel-McCoy](#)
Subject: Re: Addendum
Date: 04/10/2008 05:01 PM
Attachments: [NARA Addendum.doc](#)

I agree with the revisions.

Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX
▼ [Brian Hope/DC/USEPA/US](#)

**Brian
Hope/DC/USEPA/US**

04/10/2008 04:57 PM

To: Allison Starmann/DC/USEPA/US@EPA
cc: John Ellis/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA, Sara Hisel-
McCoy/DC/USEPA/US@EPA
Subject: Re: Addendum 

(b) (5)



Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212


Fax: (202) 501-1903

▼ Allison Starmann/DC/USEPA/US

**Allison
Starmann/DC/USEPA/US**

04/10/2008 03:11 PM

To Brian Hope/DC/USEPA/US@EPA
cc John Ellis/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA, Sara Hisel-
McCoy/DC/USEPA/US@EPA

Subject Re: Addendum 

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Allison Wisk Starmann
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Office of General Counsel
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▼ Brian Hope/DC/USEPA/US

**Brian
Hope/DC/USEPA/US**

04/10/2008 08:45 AM

To John Ellis/DC/USEPA/US@EPA, Sara Hisel-
McCoy/DC/USEPA/US@EPA, Allison
Starmann/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA

cc

Subject Addendum

All -

(b) (5)



Please let me know what you think and if you have any questions. Thanks.

- Brian



NARA Addendum.doc

Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903

From: [John Ellis](#)
To: Gunter.Robert@epamail.epa.gov
Cc: deborah.williams@epa.gov; [Sara Hisel-McCoy](#); Downs.Constance@epamail.epa.gov
Subject: NARA-Admin Email-04.09.08.doc
Date: 04/10/2008 12:26 PM
Attachments: [NARA-Admin Email-04.09.08.doc](#)

Here is the revised letter to NARA that addresses both issues. I sending it to all of you now because of the time factor involved. I need your comments ASAP.

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

A Record is:

- documentary material (includes but not limited to memos, notes, letters, reports, maps, photographs, and machine readable materials),
- regardless of physical form or characteristics (includes but not limited to paper, film, or electronic),
- made or received (it was created or received while transacting Agency business),
- and should be preserved (maintained as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Agency).

***** For more information, see "What Every EPA Staffer Should Know About Records Management" at: <http://www.epa.gov/records/what/index.htm> *****



[- NARA-Admin Email-04.09.08.doc](#)

From: [John Ellis](#)
To: deborah.williams@epa.gov
Subject: Fw: Updated NARA Notice
Date: 04/10/2008 11:47 AM
Attachments: [NARA-Admin Email-04.09.08.doc](#)

John B. Ellis, CRM
Agency Records Officer
U.S. EPA, CSTD, OIC, OEI
Tel: (202) 566-1643
Fax: (202) 566-1648

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***** For more information, see "What Every EPA Staffer Should Know About Records Management" at: <http://www.epa.gov/records/what/index.htm> *****

----- Forwarded by John Ellis/DC/USEPA/US on 04/10/2008 11:47 AM -----

**Brian
Hope/DC/USEPA/US**

04/09/2008 02:05 PM

To John Ellis/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA, Allison
Starmann/DC/USEPA/US@EPA, Sara Hisel-
McCoy/DC/USEPA/US@EPA
cc Byron Brown/DC/USEPA/US@EPA
Subject Updated NARA Notice

All -

Attached is the latest version of the unauthorized destruction notice to NARA. It incorporates my and Byron's edits, and it reflects the most up-to-date information we have regarding the accounts and the results of the recovery effort. (b) (5)

[REDACTED]

Please let me know if you have any questions or changes. Thanks.

- Brian



NARA-Admin Email-04.09.08.doc

Brian T. Hope

Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903

From: [Brian Hope](#)
To: [John Ellis](#); [Sara Hisel-McCoy](#); [Allison Starmann](#); [Ray Spears](#)
Subject: Addendum
Date: 04/10/2008 08:45 AM
Attachments: [NARA Addendum.doc](#)

All -

(b) (5)

Please let me know what you think and if you have any questions. Thanks.

- Brian



NARA Addendum.doc

Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903

From: [Brian Hope](#)
To: [John Ellis](#); [Ray Spears](#); [Allison Starmann](#); [Sara Hisel-McCoy](#)
Cc: [Byron Brown](#)
Subject: Updated NARA Notice
Date: 04/09/2008 02:05 PM
Attachments: [NARA-Admin Email-04.09.08.doc](#)

All -

Attached is the latest version of the unauthorized destruction notice to NARA. It incorporates my and Byron's edits, and it reflects the most up-to-date information we have regarding the accounts and the results of the recovery effort. (b) (5)

[REDACTED]

Please let me know if you have any questions or changes. Thanks.

- Brian



NARA-Admin Email-04.09.08.doc

Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903

From: [John Ellis](#)
To: [Bobbie Trent](#)
Cc: Gunter.Robert@epamail.epa.gov
Subject: Fw: Draft to NARA
Date: 04/08/2008 12:15 PM
Attachments: [Draft to NARA.doc](#)

Bobbie, Here is the draft letter that I prepared.

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

A Record is:

- documentary material (includes but not limited to memos, notes, letters, reports, maps, photographs, and machine readable materials),
- regardless of physical form or characteristics (includes but not limited to paper, film, or electronic),
- made or received (it was created or received while transacting Agency business),
- and should be preserved (maintained as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Agency).

***** For more information, see "What Every EPA Staffer Should Know About Records Management" at: <http://www.epa.gov/records/what/index.htm> *****
----- Forwarded by John Ellis/DC/USEPA/US on 04/08/2008 12:14 PM -----

**Deborah
Williams/DC/USEPA/US**

To Robert Gunter/DC/USEPA/US@EPA
cc John Ellis
04/03/2008 04:23 PM Subject Fw: Draft to NARA

fyi

Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov

----- Forwarded by Deborah Williams/DC/USEPA/US on 04/03/2008 04:23 PM -----

**Deborah
Williams/DC/USEPA/US**

To andrew battin, andrew battin
cc sara hisel-mccoy
04/03/2008 04:07 PM Subject Draft to NARA

Andy,

The draft to NARA is below. We are waiting to hear back from OGC and the AO.

Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov



[- Draft to NARA.doc](#)

From: [Deborah Williams](#)
To: [Robert Gunter](#)
Cc: [John Ellis](#)
Subject: Fw: Draft to NARA
Date: 04/03/2008 04:23 PM
Attachments: [Draft to NARA.doc](#)

fyi

Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov

----- Forwarded by Deborah Williams/DC/USEPA/US on 04/03/2008 04:23 PM -----

Deborah Williams/DC/USEPA/US	To	andrew battin, andrew battin
	cc	sara hisel-mccoy
04/03/2008 04:07 PM	Subject	Draft to NARA

Andy,

The draft to NARA is below. We are waiting to hear back from OGC and the AO.

Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov



[- Draft to NARA.doc](#)

From: [Deborah Williams](#)
To: [Byron Brown](#); [Brian Hoppe](#)
Cc: [Robert Gunter](#); [John Ellis](#)
Subject: Letter to NARA
Date: 04/03/2008 12:40 PM

Hi,

Checking in to see when we can expect your input to the draft regarding the inadvertent deletion of the Administrator's e-mails. (b) (5)

Thanks!

Deborah

Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov

From: [Deborah Williams](#)
To: [Robert Gunter](#)
Cc: [John Ellis](#)
Subject: Please review 'destruction of Agency recordsv1'
Date: 04/01/2008 05:33 PM
Attachments: [destruction of Agency recordsv1.doc](#)
[Destruction of Agency e-mails.doc](#)

Bob,
For your Review.....

Here is the draft of the one-pager Andy asked me to prepare for Linda and Molly (along with the draft notification to NARA). I want to get it to Andy tomorrow. Thanks.



[- destruction of Agency recordsv1.doc](#)



[- Destruction of Agency e-mails.doc](#)

Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov

From: [John Ellis](#)
To: deborah.williams@epa.gov
Subject: destruction of Agency records.doc
Date: 04/01/2008 04:53 PM
Attachments: [destruction of Agency records.doc](#)

see attached

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

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***** For more information, see "What Every EPA Staffer Should Know About Records Management" at: <http://www.epa.gov/records/what/index.htm> *****



[- destruction of Agency records.doc](#)

From: [Deborah Williams](#)
To: [Byron Brown](#)
Cc: [Robert Gunter](#)
Bcc: [John Ellis](#)
Subject: Re: Please review 'Destruction of Agency e-mails - Response to NARA'
Date: 03/28/2008 02:02 PM
Attachments: [Destruction of Agency e-mails.doc](#)

Yes. John told me that he had conveyed that message to you but he's very conscientious. Brian probably should have prepared the draft anyway since he has the background information that we lack.

(John was concerned about GAO's upcoming Congressional testimony about how agencies are managing their e-mails and since this incident involves the Administrator's account.....and has not been reported to NARA.....


John prepared this draft during his off-hours after leaving work yesterday. The draft he sent me was sent at **12:30 am** this morning. I believe this draft nearly get us there, but there are some big holes in my staff's knowledge base as identified by the questions asked.

Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov

▼ [Byron Brown/DC/USEPA/US](#)

**Byron
Brown/DC/USEPA/US**

03/28/2008 01:29 PM

To Deborah Williams/DC/USEPA/US@EPA
cc Brian Hope/DC/USEPA/US@EPA, John Ellis/DC/USEPA/US@EPA, Robert Gunter/DC/USEPA/US@EPA
Subject Re: Please review 'Destruction of Agency e-mails - Response to NARA' 

Thanks. I am a bit confused. John sent Brian and me an email yesterday afternoon saying he was working on another project and would not be able to turn to this until the end of April. Brian and I spoke, and he is going starting work on a draft.

▼ [Deborah Williams/DC/USEPA/US](#)

**Deborah
Williams/DC/USEPA/US**

To Byron Brown/DC/USEPA/US@EPA
cc Brian Hope/DC/USEPA/US@EPA, John Ellis, Robert Gunter/DC/USEPA/US@EPA

03/28/2008 12:16 PM

Subject Please review 'Destruction of Agency e-mails -
Response to NARA'

Hi Byron,

I am forwarding you this draft response to NARA on behalf of John Ellis. See below.

John crafted the language based on the information contained in the various e-mails about this incident. As you will see, there are many questions dispersed throughout the draft.

Please let John or Bob Gunter know if you have questions.

(I am the Acting Associate DD until mid-July but please feel free to contact me as well. Thanks)

Deborah

Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov



[- Destruction of Agency e-mails.doc](#)

From: [John Ellis](#)
To: [Deborah Williams](#)
Subject: Fw: Please review 'Destruction of Agency e-mails - Response to NARA'
Date: 03/28/2008 01:32 PM
Attachments: [Destruction of Agency e-mails.doc](#)

Let him know I did it on my off hours last night.

Sent by EPA Wireless E-Mail Services

▼ [Byron Brown](#)

----- Original Message -----

From: Byron Brown
Sent: 03/28/2008 01:29 PM EDT
To: Deborah Williams
Cc: Brian Hope; John Ellis; Robert Gunter
Subject: Re: Please review 'Destruction of Agency e-mails - Response to NARA'

Thanks. I am a bit confused. John sent Brian and me an email yesterday afternoon saying he was working on another project and would not be able to turn to this until the end of April. Brian and I spoke, and he is going starting work on a draft.

▼ [Deborah Williams/DC/USEPA/US](#)

**Deborah
Williams/DC/USEPA/US**

03/28/2008 12:16 PM

To: Byron Brown/DC/USEPA/US@EPA
cc: Brian Hope/DC/USEPA/US@EPA, John Ellis, Robert Gunter/DC/USEPA/US@EPA
Subject: Please review 'Destruction of Agency e-mails - Response to NARA'

Hi Byron,

I am forwarding you this draft response to NARA on behalf of John Ellis. See below.

John crafted the language based on the information contained in the various e-mails about this incident. As you will see, there are many questions dispersed throughout the draft.

Please let John or Bob Gunter know if you have questions.

(I am the Acting Associate DD until mid-July but please feel free to contact me as well. Thanks)

Deborah

Deborah A. Williams
Assoc. Dir., Collection Strategies Div. (Act.)
Office of Information Collection, OEI
(202) 566-1659, Room 6143-H (EPA West)
williams.deborah@epa.gov



[- Destruction of Agency e-mails.doc](#)

From: [Sandy York](#)
To: [John Ellis](#)
Cc: [Deborah Williams](#)
Subject: Re: Unauthorized destruction letter - the whole document this time
Date: 03/28/2008 11:55 AM
Attachments: [Unauthorized_destruction_05042006.pdf](#)

I just realized I missed saving the 2nd page so here is the whole document. (Glad it's the end of the week!)



Unauthorized_destruction_05042006.pdf

----- Forwarded by Sandy York/DC/USEPA/US on 03/28/2008 09:54 AM -----

Sandy York/DC/USEPA/US	To	John Ellis/DC/USEPA/US
	cc	Deborah Williams/DC/USEPA/US@EPA
03/28/2008 06:14 AM	Subject	Unauthorized destruction letter

Sorry I didn't think of scanning this myself. Here 'tis.

[attachment "Unauthorized_destruction_05042006.pdf" deleted by Sandy York/DC/USEPA/US]

Sandy York, CRM
ASRC Management Services
Contract support for EPA's National Records Management Program
303-840-0464 (voice) 303-840-0489 (fax)
york.sandy@epa.gov

From: [Sandy York](#)
To: [John Ellis](#)
Cc: [Deborah Williams](#); [Katherine Rutsala](#); [Robert Gunter](#)
Subject: Re: unauthorized destruction
Date: 03/28/2008 11:23 AM

Automatic deletion

Linda Travers memo of March 7, 2006, "Records Management and Retention in Response to Hurricanes Katrina and Rita" includes instructions to turn off automatic deletion indefinitely in the second paragraph. The memo can be found here: <http://dchqdomino1.dcc.epa.gov:9876/intranet/hqmail.nsf/7dc02cfd4fae9d0385256608004b201d/6fab68dcb41ae12b8525712a006cd093?OpenDocument&Highlight=0,automatic>

So far, I have not been able to find any written policy on the use of non-Lotus Notes e-mail accounts in OEI policies or procedures.

Sandy York, CRM
ASRC Management Services
Contract support for EPA's National Records Management Program
303-840-0464 (voice) 303-840-0489 (fax)
york.sandy@epa.gov
▼ [John Ellis/DC/USEPA/US](#)

John Ellis/DC/USEPA/US

03/28/2008 08:22 AM

To: Deborah Williams/DC/USEPA/US@EPA, Robert Gunter/DC/USEPA/US@EPA, Sandy York/DC/USEPA/US@EPA
cc: Katherine Rutsala/DC/USEPA/US@EPA
Subject: unauthorized destruction

Please disregard the previous (12:30 am) version and give me your comments on this one. Is it ok to sent to Brain Hope to answer highlighted questions? I called him this morning a left a message with some questions.

Sandy - Can you see if you can fine any policy or relevant communication regarding this?

A little background: (b) (5)

[REDACTED]

If needed I can be reached at (b) (5).

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

Byron Brown
Office of General Counsel
Environmental Protection Agency
1200 Pennsylvania Ave , NW
Washington, DC 20460

March 27, 2008

Re: Unauthorized Destruction of Records

Paul Wester, Director of Modern Records Program
National Archives and Records Administration (NWML)
8601 Adelphi Rd ,
College Park, MD 20740-6001

Dear Mr Wester:

(b) (5)

[REDACTED]

[REDACTED]

(b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Sincerely,

Byron Brown

Cc: Laurence Brewer, Director, NARA Lifecycle Management Div

John B Ellis, EPA Records Officer

From: [John Ellis](#)
To: [Deborah Williams](#); [Robert Gunter](#); [Sandy York](#)
Cc: [Katherine Rutsala](#)
Subject: unauthorized destruction
Date: 03/28/2008 10:22 AM

Please disregard the previous (12:30 am) version and give me your comments on this one. Is it ok to sent to Brain Hope to answer highlighted questions? I called him this morning a left a message with some questions.

Sandy - Can you see if you can fine any policy or relevant communication regarding this?

A little background: (b) (5)

If needed I can be reached at (b) (5)

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

Byron Brown
Office of General Counsel
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

March 27, 2008

Re: Unauthorized Destruction of Records

Paul Wester, Director of Modern Records Program
National Archives and Records Administration (NWML)
8601 Adelphi Rd.,
College Park, MD 20740-6001

Dear Mr. Wester:

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5)



Sincerely,

Byron Brown

Cc: Laurence Brewer, Director, NARA Lifecycle Management Div.

John B. Ellis, EPA Records Officer

From: [John Ellis](#)
To: [Robert Gunter](#)
Cc: [Deborah Williams](#)
Subject: Unauthorized destruction
Date: 03/28/2008 12:29 AM
Attachments: [Final Report of recovery effort.doc](#)

FYI

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

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***** For more information, see "What Every EPA Staffer Should Know About Records Management" at: <http://www.epa.gov/records/what/index.htm> *****
----- Forwarded by John Ellis/DC/USEPA/US on 03/28/2008 12:21 AM -----

**Brian
Hope/DC/USEPA/US**

02/08/2008 12:17 PM

To: Byron Brown/DC/USEPA/US@EPA
cc: John Ellis/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA

Subject: Re: email memo 

Byron -

Mike Hanson undertook the recovery effort and put together the document below.



Final Report of recovery effort.doc

Please let me know if you need anything else. Thanks.

- Brian

Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903
▼ [Byron Brown/DC/USEPA/US](#)

**Byron
Brown/DC/USEPA/US**

To Brian Hope/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA, John
Ellis/DC/USEPA/US@EPA

02/08/2008 11:35 AM

cc

Subject email memo

We need to follow up on drafting a memo for NARA about the Administrator's email account.

Brian and Ray -- could someone on your staff draft a description of what happened and the steps taken to repopulate the database?

John -- do you have a sample of what such a notification memo should look like?

From: [John Ellis](#)
To: [Robert Gunter](#)
Cc: [Deborah Williams](#)
Subject: Unauthorized Destruction of the Administrators E-mail
Date: 03/28/2008 12:27 AM

(b) (5)



Oh, I forgot I can't attach a document from home. I will cut and paste below:

Byron Brown
Office of General Counsel
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

March 27, 2008

Re: Unauthorized Destruction of Records

Paul Wester, Director of Modern Records Program
National Archives and Records Administration (NWML)
8601 Adelphi Rd.,
College Park, MD 20740-6001

Dear Mr. Wester:

(b) (5)





(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5)

A large rectangular area of the document is redacted with a solid gray block.

Sincerely,

Byron Brown

Cc: Laurence Brewer, Director, NARA Lifecycle Management Div.

John B. Ellis, EPA Records Officer

From: [John Ellis](#)
To: [Byron Brown](#)
Cc: [Brian Hope](#); Gunter.Robert@epamail.epa.gov
Bcc: deborah.williams@epa.gov
Subject: Re: Fw: email memo
Date: 03/27/2008 04:16 PM

Byron,

On February 28th you asked me to take a crack at drafting the unauthorized disposal letter to NARA regarding the administrators lost e-mail. I stated that I would be out of the office for two weeks and would work on it when I return. It is now March 27th and I still have not had time to start the letter. I will make an attempt to start on it next week but because of other issues and deadlines, I will not be able to fully concentrate on this until April 23rd. I realize the importance of getting this letter out, especially because I hear GAO is preparing testimony on the Audit to present in the next week or two.

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

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***** For more information, see "What Every EPA Staffer Should Know About Records Management" at: <http://www.epa.gov/records/what/index.htm> *****

▼ [John Ellis/DC/USEPA/US](#)

**John
Ellis/DC/USEPA/US**

02/29/2008 05:54 PM

To Byron Brown/DC/USEPA/US@EPA
cc deborah.williams@epa.gov, Brian
Hope/DC/USEPA/US@EPA

Subject Re: Fw: email memo 

Byron,

When I start the letter, I'll need to describe what this "private e-mail box" was used for? What type of incoming and outgoing messages?

John B. Ellis, CRM

Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

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▼ [John Ellis/DC/USEPA/US](#)

**John
Ellis/DC/USEPA/US**

To Byron Brown/DC/USEPA/US
cc deborah.williams@epa.gov

02/28/2008 02:54 PM

Subject Re: Fw: email memo 

Sure, I can write the letter. I am out of the office for the next two weeks and can start on it when I return.

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648


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▼ [Byron Brown/DC/USEPA/US](#)

**Byron
Brown/DC/USEPA/US**

02/28/2008 01:28 PM To John Ellis/DC/USEPA/US@EPA
cc deborah.williams@epa.gov
Subject Re: Fw: email memo 

I have not had a chance to draft a letter. I believe the report OEX did was meant to serve as the source material. Would you be able to take a crack at a first draft? (The previous one I worked on, Constance drafted the letter and OGC reviewed it.)

▼ John Ellis/DC/USEPA/US

**John
Ellis/DC/USEPA/US** To Byron Brown/DC/USEPA/US@EPA
cc deborah.williams@epa.gov
02/28/2008 10:47 AM Subject Fw: email memo

Hello Byron,


Could I get a copy of the Unauthorized Destruction Letter that you wrote to NARA regarding the Administrator's lost e-mail?

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

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***** For more information, see "What Every EPA Staffer Should Know About Records Management" at: <http://www.epa.gov/records/what/index.htm> *****
----- Forwarded by John Ellis/DC/USEPA/US on 02/28/2008 10:46 AM -----

**John
Ellis/DC/USEPA/US** To Byron Brown/DC/USEPA/US
cc Brian Hope/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA
02/08/2008 12:44 PM Subject Re: email memo 

Byron,

There is no special look for the notification but there are specific items that it should cover. See the regulations below for unauthorized destruction of Federal records:

Subpart G -- Damage to, Alienation, and Unauthorized Destruction of Records

§1228.100 Responsibilities.

(a) The Archivist of the United States and heads of Federal agencies are responsible for preventing the alienation or unauthorized destruction of records, including all forms of mutilation. Records may not be removed from the legal custody of Federal agencies or destroyed without regard to the provisions of agency records schedules (SF 115 approved by NARA or the General Records issued by NARA).

(b) The heads of Federal agencies are responsible for ensuring that all employees are aware of the provisions of the law relating to unauthorized destruction, alienation, or mutilation of records, and should direct that any such action be reported to them.

§1228.102 Criminal penalties.

The maximum penalty for the willful and unlawful destruction, damage, or alienation of Federal records is a \$2,000 fine, 3 years in prison, or both (18 U.S.C.

2071).

§1228.104 Reporting.

(a) The head of a Federal agency shall report any unlawful or accidental destruction, defacing, alteration, or removal of records in the custody of that agency to NARA (NWML), 8601 Adelphi Rd., College Park, MD 20740-6001. The report shall include:

(1) A complete description of the records with volume and dates if known;

(2) The office of origin;

(3) A statement of the exact circumstances surrounding the alienation, defacing, or destruction of the records;

(4) A statement of the safeguards established to prevent further loss of documentation; and

(5) When appropriate, details of the actions taken to salvage, retrieve, or reconstruct the records.

(b) This report has been cleared in accordance with GSA regulations in Title 41 of the CFR and assigned Interagency Report Control Number 0285 - NAR - AR.

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

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▼ [Byron Brown/DC/USEPA/US](#)

**Byron
Brown/DC/USEPA/US**

02/08/2008 11:35 AM

To Brian Hope/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA, John
Ellis/DC/USEPA/US@EPA

cc

Subject email memo

We need to follow up on drafting a memo for NARA about the Administrator's email account.

Brian and Ray -- could someone on your staff draft a description of what happened and the steps taken to repopulate the database?

John -- do you have a sample of what such a notification memo should look like?


From: [Byron Brown](#)
To: [John Ellis](#)
Cc: [Brian Hope](#); [Deborah Williams](#)
Subject: Re: Fw: email memo
Date: 03/10/2008 01:22 PM

I have been working almost exclusively on the Congressional requests for California waiver information since the end of December and had asked John a couple of weeks ago to help with draft NARA notification. Perhaps we could meet this week to discuss next steps.

▼ John Ellis/DC/USEPA/US

**John
Ellis/DC/USEPA/US**

03/10/2008 12:38 PM

To: Brian Hope/DC/USEPA/US@EPA
cc: Byron Brown/DC/USEPA/US@EPA, "Deborah Williams"
<deborah.williams@epa.gov>
Subject: Re: Fw: email memo 

Brain, Thanks for the additional information. You mentioned that Byron first mentioned the issue in one of the early GAO Audit- related meetings last fall.

I don't recall attending a meeting where this was mentioned. In fact, the auditors asked me about it and I told them that I didn't know. Only that Mike Hanson was working on a special project dealing with the Administrator's e-mail. I didn't know any specifics. They also asked if I knew that OGC was writing a letter to NARA regarding this issue. Again, my response was "no".

Sent by EPA Wireless E-Mail Services

▼ Brian Hope

----- Original Message -----

From: Brian Hope
Sent: 03/10/2008 11:59 AM EDT
To: John Ellis
Cc: Byron Brown; "Deborah Williams"
<deborah.williams@epa.gov>
Subject: Re: Fw: email memo

John -

I'm not sure I understand what you mean by "never reported," since I believe that Byron first mentioned the matter in one of the early GAO audit-related meetings last fall, which was about the earliest practical time to have said anything to you. I think that a brief review of what happened early on may be helpful:

First, I should note that the Administrators' private e-mail accounts have always been created by and maintained by OEI. George Hesselbacher used to do it before

he retired, but I have no idea whose responsibility it is these days. My office (OEX) has never had access to the Administrators' private e-mail accounts. Access is usually only granted to the appropriate Notes server administrator(s) in OEI, an administrative assistant or two in AO, and, obviously, the Administrator. This limited access does not change after an Administrator leaves, and since most Administrators seem to bring in their own assistants, OEI ends up being the only organization with access to the accounts, and they obviously are the only ones with the authority to make any changes to them.

Now, our timeline for the current issue starts in August 2007, when the Administrator's assistant was attempting to search the private account for record material responsive to a Congressional inquiry. The assistant noticed that no e-mails prior to July 2007 were accessible and so notified our technical support staff. The tech, in turn, notified our resident Notes expert (Mike Hanson), who started tracking down the problem and worked with the appropriate folks in OEI to determine the cause and extent of the issue. They determined that the automatic delete feature had been activated, which means that any e-mails that have not been modified in the past 90 days are automatically deleted. The Administrator did not turn on this feature, and the account was not originally set up with that feature active, as that would have been contrary to Agency policy. The Notes folks turned the feature off, so that there would be not further problems.

As I am sure you have experienced, Notes can do some strange things, and this was not the first instance we have seen of the auto-delete feature spontaneously being turned on. We've seen that and other strange occurrences (like thousands of e-mails spontaneously showing up as unread, which happened to the Deputy Administrator just last week), often when there are interruptions (e.g. server replacement, the upgrade to 6.5, failover situations, regular maintenance).

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That got us thinking, though, about the status of the previous Administrators' private e-mail accounts, especially since we were not sure that their assistants had been diligent in identifying and printing record material from those accounts. Mike Hanson worked with folks in OEI to track down the old private accounts (Whitman, Leavitt, and Horinko, I believe). This would have been in late August or early September 2007. What they discovered is that those accounts had been deleted. They could not tell when or by whom, since that information is not recoverable more than 30 days after the deletion event, but it must have been done by someone in OEI, since no one in AO had the server admin rights needed to delete those accounts.

Once he determined that the accounts were gone, Mike devised a plan to recover as much material as possible. He figured that there might still be e-mails in active accounts that had either been sent to or from the private accounts. That was the project that Mike detailed in his September 10 report to Deputy Chief of Staff Ray Spears. I took the results of that effort and spent the next few weeks culling

through more than 7,000 e-mails in search of record material. The vast majority of those 7,000 messages ended up not being records. We concluded that the recovery mechanism was only partially successful and that there must have been a significant amount of other material that was lost for good. We then determined that the notification to NARA would be necessary. Byron agreed to take the lead on drafting the letter, and it was very shortly thereafter that you were told.

Hopefully, this helps clarify things a little. Please let me know if you have further questions. Thanks.


- Brian

Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903
▼ [John Ellis/DC/USEPA/US](#)

**John
Ellis/DC/USEPA/US**

03/07/2008 01:52 PM

To: Brian Hope/DC/USEPA/US@EPA
cc: Byron Brown/DC/USEPA/US@EPA, "Deborah Williams"
<deborah.williams@epa.gov>

Subject: Re: Fw: email memo 

This issue is much bigger than I thought. Is there a reason why it was never reported to me?

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Tel: (202) 566-1643
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▼ [Brian Hope/DC/USEPA/US](#)

Brian

Hope/DC/USEPA/US

03/07/2008 12:27 PM

To John Ellis/DC/USEPA/US@EPA
cc Byron Brown/DC/USEPA/US@EPA, "Deborah Williams" <deborah.williams@epa.gov>
Subject Re: Fw: email memo 

John -

I'm not sure I can give you a set of "when" scenarios for outgoing e-mail records from these accounts. Like I said, they work just like and are used just like a regular e-mail account, just with a different naming convention from the EPA standard so that members of the public won't be able to figure it out and bombard them with issue mail.

There are definitely e-mails that are records that are sent by these accounts. The current Administrator prefers the telephone and face-to-face conversations, so very rarely even uses his private account. So, for him, there aren't many outgoing record e-mails, but for all of the prior Administrators and Deputies that had private accounts, there were certainly outgoing record e-mails.

I should note that we are talking about multiple e-mail accounts, not just a single, generic "Administrator's private account." Each incoming Administrator and some of the deputies get their own private account with a unique identifier. I should also note that Marcus only has one account - the "public" one with the regular naming convention (peacock.marcus@epa.gov).


Please let me know if you need anything else.

- Brian

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Office of the Executive Secretariat
Phone: (202) 564-8212
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▼ [John Ellis/DC/USEPA/US](#)

**John
Ellis/DC/USEPA/US**

03/03/2008 07:25 PM

To Brian Hope/DC/USEPA/US@EPA
cc Byron Brown/DC/USEPA/US@EPA, "Deborah Williams" <deborah.williams@epa.gov>
Subject Re: Fw: email memo 

Are there any out going e-mail records sent on this account?
If so, please explain when.

Sent by EPA Wireless E-Mail Services

▼ Brian Hope

----- Original Message -----

From: Brian Hope
Sent: 03/03/2008 05:59 PM EST
To: John Ellis
Cc: Byron Brown; deborah.williams@epa.gov
Subject: Re: Fw: email memo

John -

The "private" e-mail accounts aren't designed to be used any differently than "public" accounts. The private accounts were created in response to the stakeholder community's habit of organizing bulk e-mail campaigns on hot issues. These campaigns result in enormous amounts of e-mail flooding in. Last year alone, the Administrator received more than 235,000 such communications. The "private" accounts were created so that the Administrators and Deputies could have a functional e-mail account to communicate with staff (and, if they choose, limited numbers of external e-mail addresses) and not have to wade through hundreds or thousands of issue e-mails every day.

There are no restrictions associated with the "private" accounts - they aren't send-only or anything like that, and the account name is not masked or hidden from recipients. They are standard Lotus Notes e-mail accounts that employ an unusual naming convention, but which otherwise work like and are used like any other individual Agency e-mail account.

Please let me know if you need additional information. Thanks.

- Brian

Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903
▼ John Ellis/DC/USEPA/US

**John
Ellis/DC/USEPA/US**

02/29/2008 05:54 PM

To: Byron Brown/DC/USEPA/US@EPA
cc: deborah.williams@epa.gov, Brian
Hope/DC/USEPA/US@EPA

Subject: Re: Fw: email memo 

Byron,

When I start the letter, I'll need to describe what this "private e-mail box" was used for? What type of incoming and outgoing messages?

John B. Ellis, CRM

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U.S. EPA,CSTD,OIC,OEI
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▼ [John Ellis/DC/USEPA/US](#)

**John
Ellis/DC/USEPA/US**

To Byron Brown/DC/USEPA/US
cc deborah.williams@epa.gov

02/28/2008 02:54 PM

Subject Re: Fw: email memo 

Sure, I can write the letter. I am out of the office for the next two weeks and can start on it when I return.

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
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▼ [Byron Brown/DC/USEPA/US](#)

**Byron
Brown/DC/USEPA/US**

02/28/2008 01:28 PM To John Ellis/DC/USEPA/US@EPA
cc deborah.williams@epa.gov
Subject Re: Fw: email memo 

I have not had a chance to draft a letter. I believe the report OEX did was meant to serve as the source material. Would you be able to take a crack at a first draft? (The previous one I worked on, Constance drafted the letter and OGC reviewed it.)

▼ John Ellis/DC/USEPA/US

**John
Ellis/DC/USEPA/US** To Byron Brown/DC/USEPA/US@EPA
cc deborah.williams@epa.gov
02/28/2008 10:47 AM Subject Fw: email memo

Hello Byron,


Could I get a copy of the Unauthorized Destruction Letter that you wrote to NARA regarding the Administrator's lost e-mail?

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

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----- Forwarded by John Ellis/DC/USEPA/US on 02/28/2008 10:46 AM -----

**John
Ellis/DC/USEPA/US** To Byron Brown/DC/USEPA/US
cc Brian Hope/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA
02/08/2008 12:44 PM Subject Re: email memo 

Byron,

There is no special look for the notification but there are specific items that it should cover. See the regulations below for unauthorized destruction of Federal records:

Subpart G -- Damage to, Alienation, and Unauthorized Destruction of Records

§1228.100 Responsibilities.

(a) The Archivist of the United States and heads of Federal agencies are responsible for preventing the alienation or unauthorized destruction of records, including all forms of mutilation. Records may not be removed from the legal custody of Federal agencies or destroyed without regard to the provisions of agency records schedules (SF 115 approved by NARA or the General Records issued by NARA).

(b) The heads of Federal agencies are responsible for ensuring that all employees are aware of the provisions of the law relating to unauthorized destruction, alienation, or mutilation of records, and should direct that any such action be reported to them.

§1228.102 Criminal penalties.

The maximum penalty for the willful and unlawful destruction, damage, or alienation of Federal records is a \$2,000 fine, 3 years in prison, or both (18 U.S.C.

2071).

§1228.104 Reporting.

(a) The head of a Federal agency shall report any unlawful or accidental destruction, defacing, alteration, or removal of records in the custody of that agency to NARA (NWML), 8601 Adelphi Rd., College Park, MD 20740-6001. The report shall include:

(1) A complete description of the records with volume and dates if known;

(2) The office of origin;

(3) A statement of the exact circumstances surrounding the alienation, defacing, or destruction of the records;

(4) A statement of the safeguards established to prevent further loss of documentation; and

(5) When appropriate, details of the actions taken to salvage, retrieve, or reconstruct the records.

(b) This report has been cleared in accordance with GSA regulations in Title 41 of the CFR and assigned Interagency Report Control Number 0285 - NAR - AR.

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**Byron
Brown/DC/USEPA/US**

02/08/2008 11:35 AM

To Brian Hope/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA, John
Ellis/DC/USEPA/US@EPA

cc

Subject email memo

We need to follow up on drafting a memo for NARA about the Administrator's email account.

Brian and Ray -- could someone on your staff draft a description of what happened and the steps taken to repopulate the database?

John -- do you have a sample of what such a notification memo should look like?

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To: [Brian Hope](#)
Cc: [Byron Brown](#); [Deborah Williams](#)
Subject: Re: Fw: email memo
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Sent by EPA Wireless E-Mail Services

▼ [Brian Hope](#)

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have not been modified in the past 90 days are automatically deleted. The Administrator did not turn on this feature, and the account was not originally set up with that feature active, as that would have been contrary to Agency policy. The Notes folks turned the feature off, so that there would be not further problems.

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▼ John Ellis/DC/USEPA/US

**John
Ellis/DC/USEPA/US**

03/07/2008 01:52 PM

To Brian Hope/DC/USEPA/US@EPA
cc Byron Brown/DC/USEPA/US@EPA, "Deborah Williams"
<deborah.williams@epa.gov>

Subject Re: Fw: email memo 

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**Brian
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03/07/2008 12:27 PM

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John -

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Please let me know if you need anything else.

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▼ [John Ellis/DC/USEPA/US](#)

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Ellis/DC/USEPA/US**

03/03/2008 07:25 PM

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cc Byron Brown/DC/USEPA/US@EPA, "Deborah Williams"
<deborah.williams@epa.gov>

Subject Re: Fw: email memo 

Are there any out going e-mail records sent on this account?
If so, please explain when.

Sent by EPA Wireless E-Mail Services

▼ [Brian Hope](#)

----- Original Message -----

From: Brian Hope
Sent: 03/03/2008 05:59 PM EST
To: John Ellis

Cc: Byron Brown; deborah.williams@epa.gov
Subject: Re: Fw: email memo

John -

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Please let me know if you need additional information. Thanks.

- Brian

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▼ [John Ellis/DC/USEPA/US](#)

**John
Ellis/DC/USEPA/US**

02/29/2008 05:54 PM

To Byron Brown/DC/USEPA/US@EPA
cc deborah.williams@epa.gov, Brian
Hope/DC/USEPA/US@EPA

Subject Re: Fw: email memo 

Byron,

When I start the letter, I'll need to describe what this "private e-mail box" was used for? What type of incoming and outgoing messages?

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U.S. EPA,CSTD,OIC,OEI

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▼ [John Ellis/DC/USEPA/US](#)

**John
Ellis/DC/USEPA/US**

To Byron Brown/DC/USEPA/US

cc deborah.williams@epa.gov

02/28/2008 02:54 PM

Subject

Re: Fw: email memo 

Sure, I can write the letter. I am out of the office for the next two weeks and can start on it when I return.

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

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▼ [Byron Brown/DC/USEPA/US](#)

**Byron
Brown/DC/USEPA/US**

To John Ellis/DC/USEPA/US@EPA
cc deborah.williams@epa.gov

02/28/2008 01:28 PM

Subject Re: Fw: email memo 

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To Byron Brown/DC/USEPA/US@EPA
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02/28/2008 10:47 AM

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Hello Byron,

Could I get a copy of the Unauthorized Destruction Letter that you wrote to NARA regarding the Administrator's lost e-mail?

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**John
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To Byron Brown/DC/USEPA/US
cc Brian Hope/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA

02/08/2008 12:44 PM

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(5) When appropriate, details of the actions taken to salvage, retrieve, or reconstruct the records.

(b) This report has been cleared in accordance with GSA regulations in Title 41 of the CFR and assigned Interagency Report Control Number 0285 - NAR - AR.

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John -- do you have a sample of what such a notification memo should

look like?

From: [Brian Hope](#)
To: [John Ellis](#)
Cc: [Byron Brown](#); [Deborah Williams](#)
Subject: Re: Fw: email memo
Date: 03/07/2008 12:27 PM

John -

I'm not sure I can give you a set of "when" scenarios for outgoing e-mail records from these accounts. Like I said, they work just like and are used just like a regular e-mail account, just with a different naming convention from the EPA standard so that members of the public won't be able to figure it out and bombard them with issue mail.

There are definitely e-mails that are records that are sent by these accounts. The current Administrator prefers the telephone and face-to-face conversations, so very rarely even uses his private account. So, for him, there aren't many outgoing record e-mails, but for all of the prior Administrators and Deputies that had private accounts, there were certainly outgoing record e-mails.

I should note that we are talking about multiple e-mail accounts, not just a single, generic "Administrator's private account." Each incoming Administrator and some of the deputies get their own private account with a unique identifier. I should also note that Marcus only has one account - the "public" one with the regular naming convention (peacock.marcus@epa.gov).


Please let me know if you need anything else.

- Brian

Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903
▼ [John Ellis/DC/USEPA/US](#)

**John
Ellis/DC/USEPA/US**

03/03/2008 07:25 PM

To: Brian Hope/DC/USEPA/US@EPA
cc: Byron Brown/DC/USEPA/US@EPA, "Deborah Williams" <deborah.williams@epa.gov>
Subject: Re: Fw: email memo 

Are there any out going e-mail records sent on this account?
If so, please explain when.

Sent by EPA Wireless E-Mail Services

▼ [Brian Hope](#)

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From: Brian Hope
Sent: 03/03/2008 05:59 PM EST
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Cc: Byron Brown; deborah.williams@epa.gov
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John -

The "private" e-mail accounts aren't designed to be used any differently than "public" accounts. The private accounts were created in response to the stakeholder community's habit of organizing bulk e-mail campaigns on hot issues. These campaigns result in enormous amounts of e-mail flooding in. Last year alone, the Administrator received more than 235,000 such communications. The "private" accounts were created so that the Administrators and Deputies could have a functional e-mail account to communicate with staff (and, if they choose, limited numbers of external e-mail addresses) and not have to wade through hundreds or thousands of issue e-mails every day.

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John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

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▼ Byron Brown/DC/USEPA/US

**Byron
Brown/DC/USEPA/US**

02/08/2008 11:35 AM

To Brian Hope/DC/USEPA/US@EPA, Ray
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From: [John Ellis](#)
To: [Byron Brown](#)
Cc: deborah.williams@epa.gov
Subject: Re: Fw: email memo
Date: 02/28/2008 02:54 PM

Sure, I can write the letter. I am out of the office for the next two weeks and can start on it when I return.

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Subject: Fw: email memo
Date: 02/08/2008 03:28 PM
Attachments: [Final Report of recovery effort.doc](#)

FYI

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**Michael
Hanson/DC/USEPA/US**

02/08/2008 02:43 PM

To John Ellis/DC/USEPA/US@EPA
cc Brian Hope/DC/USEPA/US@EPA, Byron
Brown/DC/USEPA/US@EPA

Subject Re: email memo 

Hello All,
John is absolutely correct, it was Pat in the Meeting.
Mike


Michael Hanson
(202) 564-1320
Office of Executive Services
The Office of The Administrator
Environmental Protection Agency
▼ [John Ellis/DC/USEPA/US](#)

**John
Ellis/DC/USEPA/US**

02/08/2008 01:34 PM

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Byron -

Mike Hanson undertook the recovery effort and put together the document below.



Final Report of recovery effort.doc

Please let me know if you need anything else. Thanks.

- Brian

Brian T. Hope
Director
Office of the Executive Secretariat

Phone: (202) 564-8212
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Report on the Administrator's Email Recovery

Michael Hanson

9/10/2007

SUMMARY

Problem: On August 9th, 2007 I was alerted that email was missing from the Administrator's private mailbox for all messages prior to July 2007. The discovery was made by the Administrator's executive assistant when attempting to respond to a congressional inquiry. Investigation subsequently confirmed the messages had been inadvertently deleted and that no backup copy existed, and, that the problem existed for the 2 previous EPA Administrators. The loss appeared to be due to an inadvertent system setting the deleted email not modified in the previous 90-days. The problem was brought to light by a congressional request for information.

Mitigation: Recognizing the serious nature of the problem, we instituted a search of every electronic mailbox and archive database on every server across the entire Agency. The search recovered 7,516 individual email messages sent from and to the current and 2 previous EPA Administrators. The search covered 82 servers, over 35,000 databases, and more than 255-million email messages. The search was conducted with the assistance of server administrators in Headquarters, the Regions and EPA labs.

The recovered messages are currently being reviewed by the Office of the Executive Secretariat and will be properly filed according to the applicable records retention schedule(s).

Loss Assessment: Some significant percentage of those messages addressed internally and sent to, or received from, the private mailboxes have been recovered.

100% of messages sent from outside the EPA directly to the private mailboxes have been lost. Similarly 100% of messages sent from the private mailboxes to external addresses have been lost.

DETAIL

August 9th, 2007

I was alerted by an OES contract technician that no email in the Administrator's private mailbox appeared dated earlier than July, 2007. A review of the failover server showed no mail existing prior to April 4, 2007. The technician had first contacted the EPA Call Center and was directed to me under the mistaken assumption that I had access to the mailbox.

After requesting and receiving access, I examined the mail database and found that it had a setting to automatically remove documents not modified in the past 90-days which is

why the earlier messages were missing from the database. To determine if the setting had been changed recently, I asked for the EPA contract technicians to pull a copy of the database from the oldest backup tape (30-days old) and this copy also had the identical setting indicating the change was older than 30-days. This would show that the setting had been recently changed, in which case we would be able to retrieve the deleted messages, or, that the messages had been irretrievably lost unless some unknown copy of the database existed then the messages were irretrievably lost from the mailbox.

Further, not forensic trail was available as the server and database logs do not record this level of detail. The copy retrieved from backup tape was found to have the same setting confirming that the data was truly lost.

August 14, 2007

At this point I contacted OEI Notes administrators in Headquarters and RTP to verify that no hidden copies of the Administrator's mail file existed on any other backup server.

Once confirmed, I met with the Cece Kremer (the supervisor of the Administrator's executive assistant, Joshua Eller) who called a meeting with her staff, Ray Spears, the Agency's Records Management Officer, and myself. During this meeting I explained what was missing and outlined a mitigation plan to search every email documents in every database on every server across the agency and attempt to recover any messages that had been sent from or to the private mailbox of the Administrator. During the meeting it came to light that the problem extended to the previous 2-Administrators, Michael O. Leavitt and Christine Todd-Whitman.

Email Recovery – Immediately after our meeting I returned to my office and:

- Created a database containing the servers and file paths for every mailbox in the EPA's Domino Directory,
- Wrote code to extract that information and populate the database,
- Created a design template that could be used to hold the retrieved messages,
- Wrote code to automate the retrieval, and,
- Deployed the first database to the server

August 17, 2007

Started to implement database and run agent across HQ servers with assistance of contract technician. This search was completed on all HQ servers by September 1, 2007. In addition to the production email servers, which were obtained from the EPA Domino Directory, I requested that Regional server administrators identify Archive servers. For this I created a process and instructions to write the server and file paths to a text file which was then used to import the entries into the retrieval databases and to run the processing agent on the archive servers.

During the initial HQ scan I found a mistake in the search terms. Once corrected the HQ servers were rescanned.

September 10, 2007

The Agency-wide scan of all servers was completed.

Search Terms

The table below shows the 14 search terms and the fields searched. The search terms included the possible entries that email could successfully be sent to and from the private boxes. One non-standard entry “mol.group@epa.gov” was included as it may have been a viable alias that did not exist for the other mailboxes. The search was case insensitive so any variant (upper, lower or mixed case) would have been retrieved as a hit.

Fields Searched	Terms
SendTo CopyTo BlindCopyTo From Principal	"CN=Group ToCarter/OU=DC/O=USEPA/C=US" "CN=Group Mol/OU=DC/O=USEPA/C=US" "CN=Group ToDuke/OU=DC/O=USEPA/C=US" "tocarter@epa.gov" "mol@epa.gov" "mol.group@epa.gov" "toduke@epa.gov" "tocarter@epamail.epa.gov" "mol@epamail.epa.gov" "mol.group@epamail.epa.gov" "toduke@epamail.epa.gov" "CN=Group ToCarter/OU=DC/O=USEPA/C=US@EPA" "CN=Group Mol/OU=DC/O=USEPA/C=US@EPA" "CN=Group ToDuke/OU=DC/O=USEPA/C=US@EPA"

About the recovery database design (AO Email Audit)

The recovery database was designed to make it easy for server administrators to configure and process databases and to see the processing statistics and progress. It was purposely made difficult for anyone to see any messages that had been retrieved in order to lend some measure of privacy to the recovered content. The recovery databases were deployed on every server temporarily and then deleted once the server was processed and the recovered content swept.

About the review database (AO Email Audit OEX Copy)

The review database was constructed to provide a place for the content to be reviewed and marked as Records or non-records while maintaining the original content. A temporary central database was created and received all recovered content from the individual recovery databases. This included many duplicates (a mail message addressed to 100 people creates 1 original and 99 copies and all share the same \$MessageId field). Once fully populated, this database was copied into a new database for review by OEX, where duplicate messages were deleted leaving the unique collection of messages. These messages were slightly modified to allow OEX to categorize them without triggering any Return Receipt or other unwanted behavior.

Tools were then provided to OEX to enable the documents to be marked when reviewed (Record, Non-record, <not reviewed>). No other editing is allowed outside of marking the review-status.

The review database organizes content by date, review status, and Administrator. There are 7,516 documents in the database and of these 463 were addressed to multiple Administrators.

STATISTICS

Agency-wide

Total Hits:*	27,319
Total Servers:	82
Total DBs	35,009
Total Docs	255,416,716

By Server

Server	Total docs	DB's	Hits*
(b) (5)	24,746,019	1745	13,695
	24,069,984	2499	628
	25,681,163	1682	350
	20,536,307	1696	939
	1,827,309	206	851
	2,836,182	460	0
	3,281,343	591	8
	2,633,774	362	6,624
	5,268,909	765	2,287
	4,203,119	592	661
	2,325,541	308	2
	4,593,108	1060	88
	3,534,639	475	44
	3,920,267	519	4
	4,132,214	619	684
	3,201,963	410	7
	2,706,429	416	21
	2,565,090	693	2
	2,029,295	442	1
	1,435,846	340	8
	306,127	101	0
	897,771	276	0
	2,811,668	386	10
	2,161,759	433	14
	218,429	60	0
	1,731	1	0
	341,359	90	56
	3,386,001	661	3

Server	Total docs	DB's	Hits*
(b) (5)	1,648,435	357	5
	2,046,297	557	4
	2,098,781	571	0
	5,207,879	1185	26
	4,905,214	1483	1
	958,696	153	3
	2,878,712	533	26
	2,649,689	456	8
	1,359,074	363	1
	1,450,928	336	15
	4,577,752	362	14
	3,293,493	491	5
	2,077,747	312	98
	192,512	47	0
	9,229,687	612	9
	8,888,889	470	19
	no stats, omit per RS		
	461,054	438	1
	1,277,295	313	5
	1,376,066	337	1
	142,894	38	15
	74,646	22	0
	7,909	1	0
	26,025	16	0
	909,927	188	0
	791,139	217	0
	849,187	119	0
	980,105	264	0
	978,198	110	0
	205,489	52	0
	2,013,531	486	0
	1,853,258	415	4
	561,996	120	0
	71,385	40	0
	1,374,906	206	0
	839,332	162	0
	340,690	122	0
	803,309	122	0
	132,707	23	0
	220,245	32	1
	677,291	93	1
	1,196,238	118	0
	271,269	52	0
	1,110,286	130	0
	646,043	147	4
(b) (5)	318,589	69	0

Server	Total docs	DB's	Hits*
(b) (5)	6,608,524	456	66
	5,600,000	1368	0
	6,353,698	1204	0
	6,101,947	1133	0
	1,124,407	220	0

*Hits: Hit count includes all documents found including duplicates. Total unique messages found were 7,516.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 4 2006

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Paul M. Wester, Jr.
Director
Modern Records Program
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Dear Mr. Wester:

I am writing to respond to your letter dated March 30, 2006, regarding the alleged case of unauthorized disposal of 64 boxes of personnel-related records by the Environmental Protection Agency's (EPA) Region 4. You asked that EPA respond to Mr. Otis Johnson, Jr.'s letter, dated March 13, 2006, requesting that you re-open the investigation of an allegation made by Ms. Catherine Fox on June 21, 2005 that EPA illegally destroyed employment records. Specifically, the documents at issue consist of (1) Merit Promotion case files closed in 1996; (2) Non-record working documents and duplicate retirement application files from 1999-2003; (3) Non-record extra copies of outdated training aid materials from 1999-2004; (4) Grievance, disciplinary, and adverse action files from 1997-2000 not related to Equal Employment Opportunity issues; (5) Flexi-place participant agreements from 2003; and (6) Non-record extra copies of a Union Agreement dated April 1997.

Mr. Johnson cites four complaints which, in his view, should have triggered a records hold. None of the four class complaints has been certified by the Equal Employment Opportunity Commission (EEOC) for further investigation. In our investigation, we found that two of the complaints had nothing to do with the records in question, so had no bearing on their retention. In the other two cases, only the Merit Promotion case files could arguably have had any relevance. Mr. Johnson has already been afforded discovery relating to these claims. As discussed below, we continue to believe that EPA has not illegally destroyed these records.

Mr. Johnson incorrectly claims that the EEOC's regulation at 29 C.F.R. § 1602.14 requires a federal agency to preserve personnel records relevant to a charge of discrimination until final disposition of the charge. The regulation that Mr. Johnson cites does not apply to federal agencies. However, EEOC's guidance to federal agencies detailing the procedures for processing EEO complaints, EEOC's Management Directive 110, advises agencies to preserve evidence with potential relevance to a class complaint of discrimination.

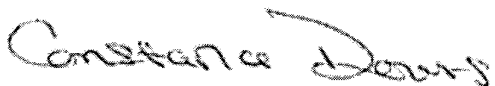
The destroyed records at issue are completely unrelated to two of the four complaints cited by Mr. Johnson while the other two do not appear to be relevant. The first two complaints present allegations against EPA's Office of Civil Rights and EPA's Office of General Counsel – both located in EPA's Washington DC Headquarters – concerning the processing of complaints and distribution of complaint records. Any evidence with potential relevance to these two class complaints, if they are certified for investigation, would be contained in complaint files maintained by the EPA's Office of Civil Rights and not in the records that were destroyed by EPA's Region 4.

The other two complaints cited by Mr. Johnson allege that EPA's Region 4 engaged in improper employment practices beginning in July 1996. Arguably, only the Merit Promotion case files from 1996 would be potentially relevant to the class complaints that Mr. Johnson cites. These claims are related to the issues presented in the EEOC Appellate decision that Mr. Johnson included as enclosure 3 to his March 13, 2006 letter. However, the decision that Mr. Johnson cites explains that there has been an investigation into the allegations made by Mr. Johnson in that case. The investigator in that matter produced a report, containing factual information relevant to Mr. Johnson's claims, that is currently maintained by EPA's Office of Civil Rights. Further, Mr. Johnson has been afforded discovery relating to the claims he alleged in that case.

None of the four class complaints cited by Mr. Johnson has been certified by the EEOC for further investigation. In addition, at the time of destruction, EPA Region 4 was not aware of any formal requests to refrain from scheduled destruction of the records at issue. Thus, EPA continues to believe that there has been no illegal or unauthorized destruction of personnel records.

Please let me know if you require any additional information from us on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Constance Downs".

Constance Downs
Acting Agency Records Officer



NARA-Admin Email-04.09.08.doc

John Ellis to: deborah.williams

04/10/2008 03:44 PM

See attached.

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

A Record is:

- documentary material (includes but not limited to memos, notes, letters, reports, maps, photographs, and machine readable materials),
- regardless of physical form or characteristics (includes but not limited to paper, film, or electronic),
- made or received (it was created or received while transacting Agency business),
- and should be preserved (maintained as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Agency).

***** For more information, see "What Every EPA Staffer Should Know About Records Management" at:
<http://www.epa.gov/records/what/index.htm> *****



- NARA-Admin Email-04.09.08.doc



NARA-Admin Email-04.09.08.doc

John Ellis to: Gunter.Robert

04/10/2008 12:26 PM

Cc: deborah.williams, Sara Hisel-McCoy, Downs.Constance

Here is the revised letter to NARA that addresses both issues. I sending it to all of you now because of the time factor involved. I need your comments ASAP.

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

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- NARA-Admin Email-04.09.08.doc

Fw: Updated NARA Notice
John Ellis to: deborah.williams

04/10/2008 11:47 AM

John B. Ellis, CRM
Agency Records Officer
U.S. EPA, CSTD, OIC, OEI
Tel: (202) 566-1643
Fax: (202) 566-1648

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----- Forwarded by John Ellis/DC/USEPA/US on 04/10/2008 11:47 AM -----

Brian Hope/DC/USEPA/US
04/09/2008 02:05 PM

To John Ellis/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA, Allison
Starmann/DC/USEPA/US@EPA, Sara
Hisel-McCoy/DC/USEPA/US@EPA
cc Byron Brown/DC/USEPA/US@EPA

Subject Updated NARA Notice

All -

Attached is the latest version of the unauthorized destruction notice to NARA. It incorporates my and Byron's edits, and it reflects the most up-to-date information we have regarding the accounts and the results of the recovery effort. (b) (5)

Please let me know if you have any questions or changes. Thanks.

- Brian



NARA-Admin Email-04.09.08.doc

Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903



Re: Alleged Unauthorized Destruction of Email

John Ellis to: Paul Wester

04/09/2008 04:03 PM

Cc: deborah.williams, Sara Hisel-McCoy, Gunter.Robert

I have a near completed draft of the letter and hope to get the CIO's approval to send it tomorrow. Once approved, I will e-mail an advanced copy.

John B. Ellis, CRM
Agency Records Officer
U.S. EPA, CSTD, OIC, OEI
Tel: (202) 566-1643
Fax: (202) 566-1648

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"Paul Wester" <paul.wester@nara.gov>



"Paul Wester"
<paul.wester@nara.gov>
04/09/2008 02:04 PM

To John Ellis/DC/USEPA/US@EPA
cc

Subject Alleged Unauthorized Destruction of Email

John,
I am following up on our March 27th telephone call regarding the alleged unauthorized destruction of email at EPA that was brought to our attention by GAO.

What is the status of a letter on this incident coming to NARA from EPA? We have a meeting with GAO on their email engagement next Tuesday, and I expect to be asked about this issue.

Please let me know what information you have at your earliest convenience.

Thanks so much - Paul

Paul M. Wester, Jr.
Director, Modern Records Programs
Office of Records Services - Washington, DC
301-837-3120 (tel)
301-837-3698 (fax)
paul.wester@nara.gov

Mr. Paul Wester
Director, Modern Records Program
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740-6001

Dear Mr. Wester:

(b) (5)



A large rectangular area of the document is completely redacted with a solid black box. The redaction covers approximately five lines of text. The label (b) (5) is positioned at the top left of this redacted area.



A single line of text is redacted with a solid black box.



A large rectangular area at the bottom of the letter is completely redacted with a solid black box, covering approximately four lines of text.

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(b) (5)

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[REDACTED]

[REDACTED]

(b) (5)

If you have any questions about this notice or require additional information, please contact me at (202) 566-1643 or at ellis.john@epa.gov.

Sincerely,

John B. Ellis
Agency Records Officer

cc: Laurence Brewer, Director, NARA Lifecycle Management Division
Byron Brown, EPA Office of General Counsel

3/11/08

12:10pm

DRAFT

March 28, 2000

John Ellis

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March 27, 2008

Paul Wester, Director of Modern Records Program
National Archives and Records Administration (NWML)
8601 Adelphi Rd.,
College Park, MD 20740-6001

Re: Unauthorized Destruction of Records

Dear Mr. Wester:

(
)
(
5

DRAFT

March 28, 2000

John Ellis

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(b) (5)



| DRAFT

March 28, 2000

John Ellis

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(b) (5)

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Sincerely,

Byron Brown

Title

cc: Laurence Brewer, Director, NARA Lifecycle Management Div.

John B. Ellis, EPA Records Officer



NARA-Admin Email-04.09.08.doc

John Ellis to: deborah.williams

04/10/2008 03:44 PM

See attached.

John B. Ellis, CRM
Agency Records Officer
U.S. EPA, CSTD, OIC, OEI
Tel: (202) 566-1643
Fax: (202) 566-1648

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- NARA-Admin Email-04.09.08.doc

Unauthorized Destruction of the Administrators E-mail

John Ellis to: Robert Gunter
Cc: Deborah Williams

03/28/2008 12:27 AM

I don't know how much you know about this issue but I will forward to you a couple of related messages.
Deborah can fill you in. (b) (5)

I have been working on the attached draft letter since I got home today and it is now about 12:00am. After you and Deborah have reviewed it and commented, we need to send it to Brain Hope, Byron Brown, Mike Hanson and OTOP to fill in the gaps.

Oh, I forgot I can't attach a document from home. I will cut and paste below:

Byron Brown
Office of General Counsel
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

March 27, 2008

(b) (5)

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5)

Sincerely,

Byron Brown

Cc: Laurence Brewer, Director, NARA Lifecycle Management Div.

John B. Ellis, EPA Records Officer

unauthorized destruction

John Ellis to: Robert Gunter
Cc: Deborah Williams

03/28/2008 12:31 AM

John B. Ellis, CRM
Agency Records Officer
U.S. EPA, CSTD, OIC, OEI
Tel: (202) 566-1643
Fax: (202) 566-1648

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<http://www.epa.gov/records/what/index.htm> *****

----- Forwarded by John Ellis/DC/USEPA/US on 03/28/2008 12:24 AM -----

John Ellis/DC/USEPA/US

03/10/2008 12:38 PM

To Brian Hope/DC/USEPA/US@EPA

cc Byron Brown/DC/USEPA/US@EPA, "Deborah Williams"
<deborah.williams@epa.gov>

Subject Re: Fw: email memo

Brain, Thanks for the additional information. You mentioned that Byron first mentioned the issue in one of the early GAO Audit- related meetings last fall.

I don't recall attending a meeting where this was mentioned. In fact, the auditors asked me about it and I told them that I didn't know. Only that Mike Hanson was working on a special project dealing with the Administrator's e-mail. I didn't know any specifics. They also asked if I knew that OGC was writing a letter to NARA regarding this issue. Again, my response was "no".

Sent by EPA Wireless E-Mail Services

Brian Hope

----- Original Message -----

From: Brian Hope
Sent: 03/10/2008 11:59 AM EDT
To: John Ellis
Cc: Byron Brown; "Deborah Williams" <deborah.williams@epa.gov>
Subject: Re: Fw: email memo

John -

I'm not sure I understand what you mean by "never reported," since I believe that Byron first mentioned the matter in one of the early GAO audit-related meetings last fall, which was about the earliest practical time to have said anything to you. I think that a brief review of what happened early on may be helpful:

First, I should note that the Administrators' private e-mail accounts have always been created by and maintained by OEI. George Hesselbacher used to do it before he retired, but I have no idea whose responsibility it is these days. My office (OEX) has never had access to the Administrators' private e-mail accounts. Access is usually only granted to the appropriate Notes server administrator(s) in OEI, an administrative assistant or two in AO, and, obviously, the Administrator. This limited access does not change after an Administrator leaves, and since most Administrators seem to bring in their own assistants, OEI ends up being the only organization with access to the accounts, and they obviously are the only ones with the authority to make any changes to them.

Now, our timeline for the current issue starts in August 2007, when the Administrator's assistant was attempting to search the private account for record material responsive to a Congressional inquiry. The assistant noticed that no e-mails prior to July 2007 were accessible and so notified our technical support staff. The tech, in turn, notified our resident Notes expert (Mike Hanson), who started tracking down the problem and worked with the appropriate folks in OEI to determine the cause and extent of the issue. They determined that the automatic delete feature had been activated, which means that any e-mails that have not been modified in the past 90 days are automatically deleted. The Administrator did not turn on this feature, and the account was not originally set up with that feature active, as that would have been contrary to Agency policy. The Notes folks turned the feature off, so that there would be not further problems.

As I am sure you have experienced, Notes can do some strange things, and this was not the first instance we have seen of the auto-delete feature spontaneously being turned on. We've seen that and other strange occurrences (like thousands of e-mails spontaneously showing up as unread, which happened to the Deputy Administrator just last week), often when there are interruptions (e.g. server replacement, the upgrade to 6.5, failover situations, regular maintenance).

We were not worried that any of the current Administrator's e-mail records had been lost, as he rarely uses e-mail to begin with and almost never creates e-mails that are record material (he prefers the telephone and face-to-face meetings to conduct Agency business). That, combined with the fact that his assistant had been reviewing the account periodically to see if there was any record material to be culled (and usually finding nothing that qualified as a record), we concluded that the chances of any SLJ record e-mails having been deleted was pretty much nil.

That got us thinking, though, about the status of the previous Administrators' private e-mail accounts, especially since we were not sure that their assistants had been diligent in identifying and printing record material from those accounts. Mike Hanson worked with folks in OEI to track down the old private accounts (Whitman, Leavitt, and Horinko, I believe). This would have been in late August or early September 2007. What they discovered is that those accounts had been deleted. They could not tell when or by whom, since that information is not recoverable more than 30 days after the deletion event, but it must have been done by someone in OEI, since no one in AO had the server admin rights needed to delete those accounts.

Once he determined that the accounts were gone, Mike devised a plan to recover as much material as possible. He figured that there might still be e-mails in active accounts that had either been sent to or from the private accounts. That was the project that Mike detailed in his September 10 report to Deputy Chief of Staff Ray Spears. I took the results of that effort and spent the next few weeks culling through more than 7,000 e-mails in search of record material. The vast majority of those 7,000 messages ended up not being records. We concluded that the recovery mechanism was only partially successful and that there must have been a significant amount of other material that was lost for good. We then determined that the notification to NARA would be necessary. Byron agreed to take the lead on drafting the letter, and it was very shortly thereafter that you were told.

Hopefully, this helps clarify things a little. Please let me know if you have further questions. Thanks.

- Brian

Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903
John Ellis/DC/USEPA/US



John Ellis/DC/USEPA/US
03/07/2008 01:52 PM

To: Brian Hope/DC/USEPA/US@EPA
cc: Byron Brown/DC/USEPA/US@EPA, "Deborah Williams"
<deborah.williams@epa.gov>
Subject: Re: Fw: email memo

This issue is much bigger than I thought. Is there a reason why it was never reported to me?

John B. Ellis, CRM
Agency Records Officer
U.S. EPA, CSTD, OIC, OEI
Tel: (202) 566-1643
Fax: (202) 566-1648

A Record is:

- documentary material (includes but not limited to memos, notes, letters, reports, maps, photographs, and machine readable materials),
- regardless of physical form or characteristics (includes but not limited to paper, film, or electronic),
- made or received (it was created or received while transacting Agency business),
- and should be preserved (maintained as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Agency).

***** For more information, see "What Every EPA Staffer Should Know About Records Management" at:
<http://www.epa.gov/records/what/index.htm> *****

Brian Hope/DC/USEPA/US

Brian Hope/DC/USEPA/US
03/07/2008 12:27 PM

To: John Ellis/DC/USEPA/US@EPA
cc: Byron Brown/DC/USEPA/US@EPA, "Deborah Williams"
<deborah.williams@epa.gov>
Subject: Re: Fw: email memo

John -

I'm not sure I can give you a set of "when" scenarios for outgoing e-mail records from these accounts. Like I said, they work just like and are used just like a regular e-mail account, just with a different naming convention from the EPA standard so that members of the public won't be able to figure it out and bombard them with issue mail.

There are definitely e-mails that are records that are sent by these accounts. The current Administrator prefers the telephone and face-to-face conversations, so very rarely even uses his private account. So, for him, there aren't many outgoing record e-mails, but for all of the prior Administrators and Deputies that

had private accounts, there were certainly outgoing record e-mails.

I should note that we are talking about multiple e-mail accounts, not just a single, generic "Administrator's private account." Each incoming Administrator and some of the deputies get their own private account with a unique identifier. I should also note that Marcus only has one account - the "public" one with the regular naming convention (peacock.marcus@epa.gov).

Please let me know if you need anything else.

- Brian

Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903
John Ellis/DC/USEPA/US

John Ellis/DC/USEPA/US

03/03/2008 07:25 PM

To: Brian Hope/DC/USEPA/US@EPA
cc: Byron Brown/DC/USEPA/US@EPA, "Deborah Williams"
<deborah.williams@epa.gov>
Subject: Re: Fw: email memo

Are there any out going e-mail records sent on this account?
If so, please explain when.

Sent by EPA Wireless E-Mail Services

Brian Hope

----- Original Message -----

From: Brian Hope
Sent: 03/03/2008 05:59 PM EST
To: John Ellis
Cc: Byron Brown; deborah.williams@epa.gov
Subject: Re: Fw: email memo

John -

The "private" e-mail accounts aren't designed to be used any differently than "public" accounts. The private accounts were created in response to the stakeholder community's habit of organizing bulk e-mail campaigns on hot issues. These campaigns result in enormous amounts of e-mail flooding in. Last year alone, the Administrator received more than 235,000 such communications. The "private" accounts were created so that the Administrators and Deputies could have a functional e-mail account to communicate with staff (and, if they choose, limited numbers of external e-mail addresses) and not have to wade through hundreds or thousands of issue e-mails every day.

There are no restrictions associated with the "private" accounts - they aren't send-only or anything like that, and the account name is not masked or hidden from recipients. They are standard Lotus Notes e-mail accounts that employ an unusual naming convention, but which otherwise work like and are used like any other individual Agency e-mail account.

Please let me know if you need additional information. Thanks.

- Brian

Brian T. Hope
Director
Office of the Executive Secretariat
Phone: (202) 564-8212
Fax: (202) 501-1903
John Ellis/DC/USEPA/US

John Ellis/DC/USEPA/US
02/29/2008 05:54 PM

To Byron Brown/DC/USEPA/US@EPA
cc deborah.williams@epa.gov, Brian
Hope/DC/USEPA/US@EPA
Subject Re: Fw: email memo

Byron,

When I start the letter, I'll need to describe what this "private e-mail box" was used for? What type of incoming and outgoing messages?

John B. Ellis, CRM
Agency Records Officer
U.S. EPA, CSTD, OIC, OEI
Tel: (202) 566-1643
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John Ellis/DC/USEPA/US

John Ellis/DC/USEPA/US
02/28/2008 02:54 PM

To Byron Brown/DC/USEPA/US
cc deborah.williams@epa.gov
Subject Re: Fw: email memo

Sure, I can write the letter. I am out of the office for the next two weeks and can start on it when I return.

John B. Ellis, CRM
Agency Records Officer

U.S. EPA,CSTD,OIC,OEI

Tel: (202) 566-1643

Fax: (202) 566 -1648

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Byron Brown/DC/USEPA/US



Byron Brown/DC/USEPA/US

02/28/2008 01:28 PM

To John Ellis/DC/USEPA/US@EPA

cc deborah.williams@epa.gov

Subject Re: Fw: email memo

I have not had a chance to draft a letter. I believe the report OEX did was meant to serve as the source material. Would you be able to take a crack at a first draft? (The previous one I worked on, Constance drafted the letter and OGC reviewed it.)

John Ellis/DC/USEPA/US



John Ellis/DC/USEPA/US

02/28/2008 10:47 AM

To Byron Brown/DC/USEPA/US@EPA

cc deborah.williams@epa.gov

Subject Fw: email memo

Hello Byron,

Could I get a copy of the Unauthorized Destruction Letter that you wrote to NARA regarding the Administrator's lost e-mail?

John B. Ellis, CRM
Agency Records Officer
U.S. EPA,CSTD,OIC,OEI
Tel: (202) 566-1643
Fax: (202) 566 -1648

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----- Forwarded by John Ellis/DC/USEPA/US on 02/28/2008 10:46 AM -----



John Ellis/DC/USEPA/US

02/08/2008 12:44 PM

To Byron Brown/DC/USEPA/US

cc Brian Hope/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA

Subject Re: email memo

Byron,

There is no special look for the notification but there are specific items that it should cover. See the regulations below for unauthorized destruction of Federal records:

Subpart G -- Damage to, Alienation, and Unauthorized Destruction of Records

§1228.100 Responsibilities.

(a) The Archivist of the United States and heads of Federal agencies are responsible for preventing the alienation or unauthorized destruction of records, including all forms of mutilation. Records may not be removed from the legal custody of Federal agencies or destroyed without regard to the provisions of agency records schedules (SF 115 approved by NARA or the General Records issued by NARA).

(b) The heads of Federal agencies are responsible for ensuring that all employees are aware of the provisions of the law relating to unauthorized destruction, alienation, or mutilation of records, and should direct that any such action be reported to them.

§1228.102 Criminal penalties.

The maximum penalty for the willful and unlawful destruction, damage, or alienation of Federal records is a \$2,000 fine, 3 years in prison, or both (18 U.S.C. 2071).

§1228.104 Reporting.

(a) The head of a Federal agency shall report any unlawful or accidental destruction, defacing, alteration, or removal of records in the custody of that agency to NARA (NWML), 8601 Adelphi Rd.,

College Park, MD 20740-6001. The report shall include:

- (1) A complete description of the records with volume and dates if known;
- (2) The office of origin;
- (3) A statement of the exact circumstances surrounding the alienation, defacing, or destruction of the records;
- (4) A statement of the safeguards established to prevent further loss of documentation; and
- (5) When appropriate, details of the actions taken to salvage, retrieve, or reconstruct the records.

(b) This report has been cleared in accordance with GSA regulations in Title 41 of the CFR and assigned Interagency Report Control Number 0285 - NAR - AR.

John B. Ellis, CRM
Agency Records Officer
U.S. EPA, CSTD, OIC, OEI
Tel: (202) 566-1643
Fax: (202) 566-1648

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<http://www.epa.gov/records/what/index.htm> *****

Byron Brown/DC/USEPA/US

Byron Brown/DC/USEPA/US

02/08/2008 11:35 AM

To Brian Hope/DC/USEPA/US@EPA, Ray
Spears/DC/USEPA/US@EPA, John
Ellis/DC/USEPA/US@EPA

cc

Subject email memo

We need to follow up on drafting a memo for NARA about the Administrator's email account.

Brian and Ray -- could someone on your staff draft a description of what happened and the steps taken to repopulate the database?

John -- do you have a sample of what such a notification memo should look like?

w/ OGC comments 4/11/08 3:49 pm

Mr. Paul Wester
Director, Modern Records Program
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740-6001

Dear Mr. Wester:

(b) (5)



A large rectangular area of the document is completely redacted with a solid black box. The redaction covers approximately five lines of text. The label (b) (5) is printed at the top left of this redacted area.



Another rectangular area of the document is redacted with a solid black box, covering approximately three lines of text.



A final rectangular area at the bottom of the letter is redacted with a solid black box, covering approximately two lines of text.

(b) (5)

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[REDACTED]

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[REDACTED]

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(b) (5)

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Report on the Administrator's Email Recovery

Michael Hanson

9/10/2007

SUMMARY

Problem: On August 9th, 2007 I was alerted that email was missing from the Administrator's private mailbox for all messages prior to July 2007. The discovery was made by the Administrator's executive assistant when attempting to respond to a congressional inquiry. Investigation subsequently confirmed the messages had been inadvertently deleted and that no backup copy existed, and, that the problem existed for the 2 previous EPA Administrators. The loss appeared to be due to an inadvertent system setting the deleted email not modified in the previous 90-days. The problem was brought to light by a congressional request for information.

Mitigation: Recognizing the serious nature of the problem, we instituted a search of every electronic mailbox and archive database on every server across the entire Agency. The search recovered 7,516 individual email messages sent from and to the current and 2 previous EPA Administrators. The search covered 82 servers, over 35,000 databases, and more than 255-million email messages. The search was conducted with the assistance of server administrators in Headquarters, the Regions and EPA labs.

The recovered messages are currently being reviewed by the Office of the Executive Secretariat and will be properly filed according to the applicable records retention schedule(s).

Loss Assessment: Some significant percentage of those messages addressed internally and sent to, or received from, the private mailboxes have been recovered.

100% of messages sent from outside the EPA directly to the private mailboxes have been lost. Similarly 100% of messages sent from the private mailboxes to external addresses have been lost.

DETAIL

August 9th, 2007

I was alerted by an OES contract technician that no email in the Administrator's private mailbox appeared dated earlier than July, 2007. A review of the failover server showed no mail existing prior to April 4, 2007. The technician had first contacted the EPA Call Center and was directed to me under the mistaken assumption that I had access to the mailbox.

After requesting and receiving access, I examined the mail database and found that it had a setting to automatically remove documents not modified in the past 90-days which is

why the earlier messages were missing from the database. To determine if the setting had been changed recently, I asked for the EPA contract technicians to pull a copy of the database from the oldest backup tape (30-days old) and this copy also had the identical setting indicating the change was older than 30-days. This would show that the setting had been recently changed, in which case we would be able to retrieve the deleted messages, or, that the messages had been irretrievably lost unless some unknown copy of the database existed then the messages were irretrievably lost from the mailbox.

Further, not forensic trail was available as the server and database logs do not record this level of detail. The copy retrieved from backup tape was found to have the same setting confirming that the data was truly lost.

August 14, 2007

At this point I contacted OEI Notes administrators in Headquarters and RTP to verify that no hidden copies of the Administrator's mail file existed on any other backup server.

Once confirmed, I met with the Cece Kremer (the supervisor of the Administrator's executive assistant, Joshua Eller) who called a meeting with her staff, Ray Spears, the Agency's Records Management Officer, and myself. During this meeting I explained what was missing and outlined a mitigation plan to search every email documents in every database on every server across the agency and attempt to recover any messages that had been sent from or to the private mailbox of the Administrator. During the meeting it came to light that the problem extended to the previous 2-Administrators, Michael O. Leavitt and Christine Todd-Whitman.

Email Recovery – Immediately after our meeting I returned to my office and:

- Created a database containing the servers and file paths for every mailbox in the EPA's Domino Directory,
- Wrote code to extract that information and populate the database,
- Created a design template that could be used to hold the retrieved messages,
- Wrote code to automate the retrieval, and,
- Deployed the first database to the server

August 17, 2007

Started to implement database and run agent across HQ servers with assistance of contract technician. This search was completed on all HQ servers by September 1, 2007. In addition to the production email servers, which were obtained from the EPA Domino Directory, I requested that Regional server administrators identify Archive servers. For this I created a process and instructions to write the server and file paths to a text file which was then used to import the entries into the retrieval databases and to run the processing agent on the archive servers.

During the initial HQ scan I found a mistake in the search terms. Once corrected the HQ servers were rescanned.

September 10, 2007

The Agency-wide scan of all servers was completed.

Search Terms

The table below shows the 14 search terms and the fields searched. The search terms included the possible entries that email could successfully be sent to and from the private boxes. One non-standard entry "mol.group@epa.gov" was included as it may have been a viable alias that did not exist for the other mailboxes. The search was case insensitive so any variant (upper, lower or mixed case) would have been retrieved as a hit.

Fields Searched	Terms
SendTo	"CN=Group ToCarter/OU=DC/O=USEPA/C=US"
CopyTo	"CN=Group Mol/OU=DC/O=USEPA/C=US"
BlindCopyTo	"CN=Group ToDuke/OU=DC/O=USEPA/C=US"
From	"tocarter@epa.gov"
Principal	"mol@epa.gov"
	"mol.group@epa.gov"
	"toduke@epa.gov"
	"tocarter@epamail.epa.gov"
	"mol@epamail.epa.gov"
	"mol.group@epamail.epa.gov"
	"toduke@epamail.epa.gov"
	"CN=Group ToCarter/OU=DC/O=USEPA/C=US@EPA"
	"CN=Group Mol/OU=DC/O=USEPA/C=US@EPA"
	"CN=Group ToDuke/OU=DC/O=USEPA/C=US@EPA"

About the recovery database design (AO Email Audit)

The recovery database was designed to make it easy for server administrators to configure and process databases and to see the processing statistics and progress. It was purposely made difficult for anyone to see any messages that had been retrieved in order to lend some measure of privacy to the recovered content. The recovery databases were deployed on every server temporarily and then deleted once the server was processed and the recovered content swept.

About the review database (AO Email Audit OEX Copy)

The review database was constructed to provide a place for the content to be reviewed and marked as Records or non-records while maintaining the original content. A temporary central database was created and received all recovered content from the individual recovery databases. This included many duplicates (a mail message addressed to 100 people creates 1 original and 99 copies and all share the same \$MessageId field). Once fully populated, this database was copied into a new database for review by OEX, where duplicate messages were deleted leaving the unique collection of messages. These messages were slightly modified to allow OEX to categorize them without triggering any Return Receipt or other unwanted behavior.

Tools were then provided to OEX to enable the documents to be marked when reviewed (Record, Non-record, <not reviewed>). No other editing is allowed outside of marking the review-status.

The review database organizes content by date, review status, and Administrator. There are 7,516 documents in the database and of these 463 were addressed to multiple Administrators.

STATISTICS

Agency-wide

Total Hits:*	27,319
Total Servers:	82
Total DBs	35,009
Total Docs	255,416,716

By Server

Server (b) (5)	Total docs	DB's	Hits*
	24,746,019	1745	13,695
	24,069,984	2499	628
	25,681,163	1682	350
	20,536,307	1696	939
	1,827,309	206	851
	2,836,182	460	0
	3,281,343	591	8
	2,633,774	362	6,624
	5,268,909	765	2,287
	4,203,119	592	661
	2,325,541	308	2
	4,593,108	1060	88
	3,534,639	475	44
	3,920,267	519	4
	4,132,214	619	684
	3,201,963	410	7
	2,706,429	416	21
	2,565,090	693	2
	2,029,295	442	1
	1,435,846	340	8
	306,127	101	0
	897,771	276	0
	2,811,668	386	10
	2,161,759	433	14
	218,429	60	0
	1,731	1	0
	341,359	90	56
	3,386,001	661	3

Server	Total docs	DB's	Hits*
(b)(6); non-responsive	1,648,435	357	5
	2,046,297	557	4
	2,098,781	571	0
	5,207,879	1185	26
	4,905,214	1483	1
	958,696	153	3
	2,878,712	533	26
	2,649,689	456	8
	1,359,074	363	1
	1,450,928	336	15
	4,577,752	362	14
	3,293,493	491	5
	2,077,747	312	98
	192,512	47	0
	9,229,687	612	9
	8,888,889	470	19
	no stats, omit per RS		
	461,054	438	1
	1,277,295	313	5
	1,376,066	337	1
	142,894	38	15
	74,646	22	0
	7,909	1	0
	26,025	16	0
	909,927	188	0
	791,139	217	0
	849,187	119	0
	980,105	264	0
	978,198	110	0
	205,489	52	0
	2,013,531	486	0
	1,853,258	415	4
	561,996	120	0
	71,385	40	0
	1,374,906	206	0
	839,332	162	0
	340,690	122	0
	803,309	122	0
	132,707	23	0
	220,245	32	1
	677,291	93	1
	1,196,238	118	0
	271,269	52	0
	1,110,286	130	0
	646,043	147	4
	318,589	69	0

Server (b) (5)	Total docs	DB's	Hits*
	6,608,524	456	66
	5,600,000	1368	0
	6,353,698	1204	0
	6,101,947	1133	0
	1,124,407	220	0

*Hits: Hit count includes all documents found including duplicates. Total unique messages found were 7,516.